

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed August 9, 2005. Claims 7, 8, 14, 15, 17, 18, 20, 21, 24, 26, 31, 33, 34, 36, 41-43, 47-51 and 52-59 were allowable. Claims 1-6, 11, 13, 16, 19, 22, 25, 27-30, 32, 35, 37-40 and 60-65 were rejected. Most of the claims have been placed in condition for allowance and Applicant requests a telephone interview if any further impediment remains to the allowance of these claims.

In the Office Action of August 9, 2005, claims 21 and 41 appear to have been inadvertently identified as allowable. Instead, it appears that claim 22 should have been identified as allowable. Confirmation or correction is requested.

Claims 1-8, 11, 13-17, 19-22, 24-32, 34-59 and 66-75 remain in the application. Claims 1-59 were originally presented. Claims 18, 33 and 60-65 are presently canceled without prejudice. Claims 9, 10, 12 and 23 were previously canceled. Claims 44-46 were previously canceled but have been presently re-entered. Claims 1, 21 and 37 have been amended. New claims 66-75 have been added. Support for new claims 66-75 is clearly found in the original claims.

The indication of allowable claims 52-59, and the indication of allowable subject matter in claims 7, 8, 14, 15, 17, 18, 20, 21, 24, 26, 31, 33, 34, 36, 41-43 and 47-51 if rewritten in independent form, is acknowledged with appreciation. (Again, it appears that claims 21 and 41 should not have been allowed but that claim 22 should have been allowed.)

Therefore, independent claim 1 has been amended to include the allowable subject matter of allowable claim 18. Thus, claims 1-8, 11, 13-17, and 19-20 are allowable. Independent claim 21 has been amended to include the allowable subject matter of allowable claim 33. Thus, claims 21, 22 and 24-32, and 34-36 are allowable. New independent claim 66 has been added which includes the subject matter of original claim 1 and allowable original claim 14. (It is noted that claim 14 was indicated as allowable both presently, and under the prior Office Action.) Therefore, claims 66-73 are allowable.

New independent claim 74 includes the subject matter of original claim 1, but has been amended to distinguish it from the cited prior art. Namely, claim 74 recites that the coherent

elastomeric polymer body includes a polyurethane gel. None of the cited prior art references teach or suggest a polyurethane gel.

New independent claim 75 is similar to previously amended claim 1, but has been amended to distinguish it from the presently cited prior art. Namely, claim 75 recites that the elastomeric polymer is a member selected from the group consisting of polyurethane, polyacrylate, polybutadiene, ethylene propylene elastomer, styrene/butadiene block copolymer, and mixtures thereof; and the elastomeric polymer is a solid material. The Vick reference teaches only an air permeable substrate such as a polyurethane foam.

With respect to independent claim 37, the prior Office Action (of February 24, 2005) rejected the claim as being obvious in view of Matsumoto and Wheatley. Applicant respectfully traverses this rejection. Claim 37 recites:

“a pad with a tacky attachment surface capable of contacting and clinging to a support surface by mechanical or specific adhesion; a carrier material, coupled to the pad, ... and a scent material, interspersed within the carrier material.”

The Office Action stated that it would be obvious to combine the pad of Wheatley with the air freshener of Matsumoto in order to provide an air-freshener with the ability to adhere to surfaces.

Applicant respectfully submits that the combination of Wheatley and Matsumoto is based on impermissible hindsight construction, and that the only motivation to combine Wheatley and Matsumoto comes from Applicant's present application. Nothing in either Matsumoto or Wheatley teaches or suggests such a combination. Matsumoto teaches an air freshener, while Wheatley teaches a frictional holding pad. Nothing in Matsumoto teaches or suggests to secure the Matsumoto air freshener to a surface by mechanical or specific adhesion. Similarly, nothing in the Wheatley reference teaches or suggests to couple a carrier material with a scent material to a pad with a tacky attachment surface capable of contacting and clinging to a support surface by mechanical or specific adhesion. Even if the Matsumoto and Wheatley references were combined, they would only result in an air freshener being removably disposed on a pad, not in a carrier material with a scent material coupled to a pad with a tacky attachment surface, as presently claimed. Therefore, Applicant respectfully submits that independent claim 37 is allowable.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 11, 13, 16, 19, 21, 24, 25, 32, 35 and 60-65 (including independent claims 1, 21, 60 and 64) were rejected under 35 U.S.C. § 102(b) as being anticipated by Vick et al.

Claims 60-65 have been canceled.

Independent claim 1 has been amended to include the allowable subject matter of allowable claim 18, as described above. Dependent claims 2, 11, 13, 16 and 19 are allowable for at least their dependence upon an allowable base claim.

Independent claim 21 has been amended to include the allowable subject matter of allowable claim 33, as described above. Dependent claims 24, 25, 32 and 35 are allowable for at least their dependence upon an allowable base claim.

Claim Rejections - 35 U.S.C. § 103

Claims 3-6, 27-30 and 37-41 were rejected under 35 U.S.C. § 103 as being unpatentable over Vick et al.

Claims 3-6 are allowable for at least their dependence upon allowable claim 1. Similarly, claims 27-30 are allowable for at least their dependence upon allowable claim 21. In addition, Applicant respectfully traverses this rejection because the Vick reference does not teach or suggest a tacky attachment surface to cling to a support surface by mechanical or specific adhesion, as recited in claims 3 and 27, even if tape is applied as suggested by the Office Action because such a surface would be adhesive as opposed to mechanical or specific adhesion. In addition, the Vick reference does not teach or suggest a barrier between the polymer body or thermoplastic elastomer and the pad, and that is smaller than the polymer body or thermoplastic elastomer such that the perimeter of the polymer body or thermoplastic elastomer contacts the pad, as recited in claims 5 and 29.

With respect to independent claim 37, applicant respectfully traverses the rejection because the Vick reference does not teach or suggest all the limitations of the claim. Claim 37 recites:

"a pad with a tacky attachment surface capable of contacting and clinging to a support surface by mechanical or specific adhesion; a carrier material, coupled to the pad, ... and a scent material, interspersed within the carrier material."

The Office Action stated that the Vick reference fails to teach a pad with a tacky attachment surface, but that double sided tape could be used to secure the air freshener of Vick to an air filter. Even if double sided tape were used, however, it would secure with chemical adhesion, and would not meet the limitation recited in the claim that the tacky attachment surface be capable of contacting and clinging to a support surface by mechanical or specific adhesion. Therefore, Applicant respectfully submits that claim 37 is allowable over the Vick reference. In addition, dependent claims 38-41 are allowable for at least their dependence upon an allowable base claim.

CONCLUSION

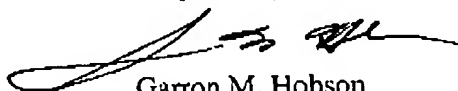
In light of the above, Applicant respectfully submits that pending claims 1-8, 11, 13-17, 19-22, 24-32, 34-59 and 66-75 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge Deposit Account No. 20-0100, in the amount of \$100.00, is enclosed for two additional claims and one additional independent claim. Ten claims were added (claims 66-75), including three independent claims (claims 66, 74 and 75), while eight claims were canceled (claims 18, 33 and 60-65), including two independent claims (claims 60 and 64).

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 4th day of October, 2005.

Respectfully submitted,



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